

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KATHY BRADLEY, )  
Plaintiff, )  
v. ) C.A. No.: 3:10-cv-00433-DRH-CJP  
L'OREAL USA, INC., )  
Defendant. )

**DEFENDANT'S MOTION TO DISMISS**

Defendant L'Oréal USA, Inc. ("L'Oréal") hereby respectfully moves to dismiss this action without leave to amend under Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), 9(b), and the first to file rule. Plaintiff Kathy Bradley ("Bradley") filed a duplicative action to earlier-filed suits in the Northern District of Illinois and the Southern District of New York, lacks Article III standing sufficient to give this Court subject matter jurisdiction, and failed to plead fraud with the specificity required under Rule 9(b). The reasons for dismissal and underlying legal authority are set forth more fully in L'Oréal's accompanying memorandum of law.

Dated: August 12, 2010

/s/ Francis DiGiovanni

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**CERTIFICATE OF SERVICE**

I certify that notice of electronic filing of the foregoing document was filed electronically with the Clerk of the Court on August 12, 2010, to be served by operation of the Court's electronic filing system.

By: */s/ Francis DiGiovanni*  
Francis DiGiovanni